

Exhibit 7

Michelle M. Torrey vs. U.S., City of Brockton
Commonwealth of Mass et al
Brian Richard Kilfoyle, Nicholas Scivilien (17)
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UPDATED: Former Rhode Island State Police Officer Arrested After Fighting Newport Police Detective

Tuesday, September 17, 2019

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Massachusetts State Police officer Brian Kilfoyle was arrested by the Newport Police Department after fighting with a Newport Police officer and resisting arrest, according to a copy of the police report obtained by GoLocalProv.com.

According to the report Kilfoyle had a bloody nose and refused treatment.

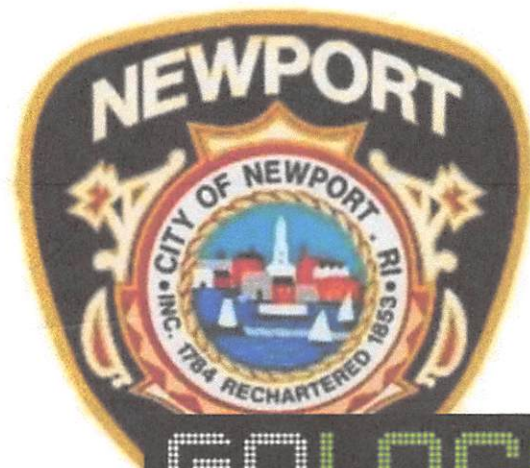
Kilfoyle previously worked for the Rhode Island State Police before leaving to join Massachusetts State Police in 2017.

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The Arrest

According to the police report, Kilfoyle engaged in a fight with Newport Police Detective Jason Head while standing on the sidewalk in front of One Pelham East on Thames Street on Saturday.

The report states that Kilfoyle was suspected of using alcohol and that he previously for disorderly actions.


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The police report by Head states, "Upon arrival, I photographed the male party, ID Brian Kilfoyle, using the camera from Patrol Kit 2. I later uploaded the photographs to the Camera Downloads folder. Officer Sardinha transported Kilfoyle to the station for booking, Detective Head followed and I cleared."

According to the report, "Disorderly Conduct. 11-45-J(Fighting). Brian Kilfoyle is a disorderly person when he engaged in a fight with Detective Jason Head, while standing on the sidewalk in front of The Pelham, and after being removed from the area once before for disorderly actions."

Kilfoyle Leaves RI

Back in 2017, Kilfoyle was one of four Rhode Island State Troopers to resign and take positions with the Massachusetts State Police.

Kilfoyle served on the Rhode Island State Police force from July of 2013 to August of 2017 before leaving for Massachusetts.

The other officers that left were Robert Twitchell, Nicholas Martin, and Cedric Carvalho.

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Exhibit 7A

Exhibit

7A

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LOCAL NEWS

Charges Against Massachusetts State Trooper Arrested In Newport Dropped



September 26, 2019 / 11:35 AM EDT / CBS Boston

NEWPORT, R.I. (AP) -- Authorities have dismissed charges against a Massachusetts State Police trooper who had been accused of disorderly fighting and resisting arrest outside a Rhode Island nightclub.

The Newport Daily News reports the charges were dropped because Brian Kilfoyle wrote an apology letter and completed counseling.

According to the arrest report, the 31-year-old Berkley man had been told to leave the Newport nightclub on the morning of Sept.



Police said they saw Kilfoyle being "belligerent" and harassing an officer.

Newport Detective Jason Head said he told Kilfoyle to leave the area multiple times and arrested him only when he became "combative."

A Massachusetts State Police spokesman says Kilfoyle remains on restricted, administrative duty pending completion of an internal investigation.

Information from: The Newport Daily News.

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Exhibit 7B

Michelle Torrey vs U.S., City of Brockton,
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Brian Richard Kilfoyle, and Nicholas Soivilien

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EWS

Charges dropped against state trooper from Berkley stemming from incident outside R.I. bar

Aura Damon Newport Daily News

Published 3:20 p.m. ET Sept. 25, 2019 | Updated 3:46 p.m. ET Sept. 25, 2019

NEWPORT, R.I. — Charges of disorderly conduct — fighting — and resisting arrest against a Massachusetts state trooper were dismissed Tuesday in District Court.

The charges were dismissed because Brian Richard Kilfoyle, 31, of Berkley, wrote an apology letter and completed counseling, according to court records and a district court clerk. Judge Colleen Hastings presided over district court proceedings Tuesday.

Kilfoyle was arrested Sept. 15 about 12:10 a.m. after an incident outside One Pelham East on Thames Street. The trooper was immediately relieved of duty following the incident, Dave Procopio, director of media communications with the Massachusetts State Police, told *The Daily News* previously.

The Massachusetts State Police held a formal duty status hearing Sept. 18 before a board of three commissioned officers. As a result of the hearing, Kilfoyle was placed on restricted duty, meaning administrative duty with no department-issued equipment, weapon or vehicles and no contact with the public. The agency's internal investigation remains ongoing, Procopio said in an email Wednesday and Kilfoyle will remain on restricted duty until the internal investigation concludes.

"There is no timetable on any internal investigation we do. They take whatever amount of time is warranted given the specific circumstances of each case," Procopio added.

On Sept. 15, Newport police were dealing with a separate incident when Newport Detective Jason Head "observed Kilfoyle staring at [Newport] Officer [Gregory] Hutson and I, scowling, and mumbling something then saying '[expletive] you,' with his chest out and leaning forward," according to Head's arrest report. Hutson asked the man if he was all right before asking him to leave.

Head then watched Officer Hutson turn around and walk back to the front of his cruiser and Kilfoyle said "I'll scowling with an angry demeanor to his face, 'you'd better watch your back ... and gun.'"

Head told Kilfoyle to leave the area "as threatening police is not tolerated. I began putting my hand out and was pushing him back towards the sidewalk ... Kilfoyle was pushing back on me saying 'you know what you're doing' and words similar to 'you know what I am.'"

Head said he smelled alcohol on Kilfoyle's breath and that Kilfoyle was combative. "I again told him to leave the area or he would be arrested." Kilfoyle then "squared off with his right arm back. I believed an assault was imminent on me by Kilfoyle and I went to grab his left arm and told him he was under arrest," the report said.

Kilfoyle swung his left arm "as to strike me in the head" but Head ducked, according to the report. Kilfoyle continued to refuse orders, and Officer Hutson and the One Pelham East doorman came to assist with Kilfoyle's arrest.

The Newport Fire Department arrived, but Kilfoyle refused medical treatment, the report said.